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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3667 of 2007

Petitioners	1.	Ram Aasra, S/o. Late Shri Sakha Ram Aged about 48 years,
	2.	Indalram Kewat, S/o. Late Shri Nankuram Kewat, Aged about 48 years,
	3.	Smt. Shanti Bai W/o. Late Shri Pachkaud Aged about 54 years, All R/o. Village Basin, P.S.- Rajim, District Raipur (C.G.)
	4.	Smt. Ramhin Bai, W/o Shri Khorbahra D/o. Late Shri Jhabbu Ram Aged about 58 years,
	5.	Smt. Shanti Bai, D/o Late Shri Lalaram Sahu Aged about 53 Years, Both R/o. Village Arand, P.O. Basin, P.S. Rajim, District Raipur (C.G.)
Versus		
Respondents	1.	State of Chhattisgarh through the Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
	2.	Engineer-in-Chief, Public Works Department, Raipur (C.G.)
	3.	Executive Engineer, Public Works Department, Raipur (C.G.)
	4.	Sub-Divisional Officer, Public Works Department, Sub-Divisional Rajim, Distt. Raipur (C.G.)

Writ Petition under Article 226/227 of the Constitution Of India

Single Bench : Hon'ble Mr. Justice Satish K. Agnihotri.

Present : Shri R.K. Pali, counsel for the petitioners.
Shri Yashwant Singh Thakur, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 29th day of June, 2007)

(1) By this petition, learned counsel appearing for the petitioners submits that the petitioners were employed in the year 1978 in the Public Works Department and the petitioners, who have worked for more than 27 years as Gangman, seeks the relief that the petitioners being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.').56.

(2) According to learned counsel for the petitioners, the petitioners attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioners would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

(3) Learned counsel appearing for the petitioners would submit that the case of the petitioners are squarely covered by the decision of this Court passed on 4th January, 2007 in W. P. No.108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

(4) Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioners.

(5) The respondents are at liberty to consider the facts of the case as to whether the petitioners have completed 15 years of service as gangman. In the event, it is found that they have completed 15 years of service, the case shall be governed by the decision of this Court in Govind Vs. State of Chhattisgarh and others (supra).

(6) Accordingly, the petitioners, who are permanent gangman, are entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed, subject to verification of facts. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge